

REMARKS

In the Office Action mailed January 2, 2007, the Examiner withdrew the finality of the last office action and the indicated allowability of claims 2, 3, 14, 15, and 17, and took the following action: (1) objected to the specification; (2) rejected claims 1, 4, 5, 10, 13, 16-17, and 22 under 35 USC §102(b) as being anticipated by McIntyre (US 3938764); and (3) rejected claims 3 and 5 under 35 USC §103(a) as being unpatentable over McIntyre in view of Beroth (US 5178346).

Although the Office Action states that claims 3 and 5 are rejected under 35 USC §103(a), Applicants believe that the Office Action was intended to state that claims 3 and 15 are rejected under 35 USC §103(a), and the following response is prepared on that basis. Accordingly, Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Objection to the Specification

The Examiner objected to the specification on grounds that the title is non-descriptive. Applicants have amended the title in accordance with the Examiner's suggestion, and therefore request reconsideration and withdrawal of the objection.

II. Rejections under 35 USC §102(b)

The Examiner rejected claims 1, 4, 5, 10, 13, 16-17, and 22 under 35 USC §102(b) as being anticipated by McIntyre (US 3938764). Applicants respectfully traverse.

Claims 1, 4, 5, and 10

Claim 1 recites:

1. A payload track adapted for use with a payload assembly, comprising:

an elongated support including a first channel member having a first support surface, a second channel member approximately parallel to and spaced apart from the first channel member having a second support surface approximately co-planar with the first support surface, the support surfaces being configured to engage directly or indirectly with a lower surface of a floor panel; and

an engagement member centrally disposed between the two channel members, wherein a first vertical side of the engagement member is attached to a first adjacent portion of the first channel member and a second vertical side of the engagement member is attached to a second adjacent portion of the second channel member, and the engagement member includes an approximately horizontal top surface configured to be coupled to the payload assembly,

wherein the engagement member and the top surface are at least one of flush with and recessed below the lower surface of the floor panel when the support surfaces are engaged with the lower surface, and wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein. (emphasis added).

McIntyre (US 3938764)

McIntyre teaches a floor structure for an aircraft having frangible floor panels 32. (3:3-25). The frangible floor panels 32 are configured to withstand normal loads, however, in the event of a depressurization of a lower compartment below the floor structure, the frangible floor panels 32 of McIntyre break instantaneously to enable rapid equilibration of the pressures on the upper and lower surfaces of the floor structure. (4:3-4).

With reference to McIntyre's Figure 2, McIntyre teaches a seat track 16 that corresponds almost identically with the prior art seat track 106 shown in Applicants' Figure 2. Specifically, a top surface 24 of the seat track 16 of McIntyre is approximately flush with a top surface of the adjacent floor panels 32 when the floor panels 32 are mounted on the outwardly extending legs

30 of the seat track 16. (Figure 2). This is exactly the feature of the prior art that Applicants' invention is intended to overcome.

As shown for example in Applicants' Figure 4, the top surface of Applicants' engagement member is flush with a lower surface of the adjacent floor panels. Because the top surface is flush with a lower surface of the floor panels, the floor panels may extend continuously over the seat track, considerable labor and expense may be avoided in the installation of the floor panels, and the aesthetic quality of the passenger cabin may be improved, in comparison with the prior art configuration taught by McIntyre. (Specification, p. 7, line 16 through p. 8, line 5).

Applicants respectfully submit that McIntyre fails to disclose, teach, or fairly suggest the apparatus recited in claim 1. Specifically, claim 1 recites in relevant part a payload track having an engagement member centrally disposed between two channel members, the engagement member including an approximately horizontal top surface configured to be coupled to the payload assembly, and wherein the engagement member and the *top surface are at least one of flush with and recessed below the lower surface of the floor panel when the support surfaces are engaged with the lower surface.* (emphasis added). As noted above, McIntyre teaches that the top surface 24 of the seat track 16 is approximately flush with a top surface of the adjacent floor panels 32, rather than flush with and recessed below the lower surface of the floor panel as recited in claim 1. Accordingly, claim 1 is not anticipated or rendered obvious by McIntyre. Claims 3-5 and 10 depend from claim 1 and are allowable at least due to their dependencies on claim 1, and also due to additional limitations recited in these claims.

Claims 13, 16, and 22

Similarly, claim 13 recites:

13. A payload assembly, comprising:
a payload member having at least one rigid support member; and
a floor assembly including at least one floor panel,
an elongated support having a first channel member having a first support surface, a second channel member approximately parallel to and spaced apart from the first channel member having a second support surface approximately co-planar with the first support surface, the support surfaces being engaged with a lower surface of the floor panel, and
an engagement member centrally disposed between the two channel members, wherein a first vertical side of the engagement member is attached to a first adjacent portion of the first channel member and a second vertical side of the engagement member is attached to a second adjacent portion of the second channel member, and the engagement member includes an approximately horizontal top surface coupled to the rigid support member, wherein the engagement member and the *top surface are at least one of flush with and recessed below the lower surface of the floor panel*, wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein. (emphasis added).

Again, McIntyre fails to disclose, teach, or fairly suggest the assembly recited in claim 13. Specifically, claim 13 recites an assembly having an engagement member centrally disposed between two channel members, the engagement member including an approximately horizontal top surface configured to be coupled to the payload assembly, and wherein the engagement member and the *top surface are at least one of flush with and recessed below the lower surface of the floor panel*. (emphasis added). As noted above, McIntyre teaches that the top surface 24 is *flush with a top surface* of the floor panels 32, rather than *flush with and recessed below the lower surface of the floor panel* as recited in claim 13. Accordingly, claim 13 is not anticipated or rendered obvious by McIntyre. Claims 16 and 22 depend from claim 13 and are allowable at least due to their dependencies on claim 13, and also due to additional limitations recited in these claims.

Claim 17

Claim 17 recites:

17. A payload assembly, comprising:
a payload member having at least one rigid support member; and
a floor assembly including at least one floor panel,
an elongated support having a first channel member having a first support surface, a second channel member approximately parallel to and spaced apart from the first channel member having a second support surface approximately co-planar with the first support surface, the support surfaces being engaged with a lower surface of the floor panel, and
an engagement member centrally disposed between the two channel members, wherein a first vertical side of the engagement member is attached to a first adjacent portion of the first channel member and a second vertical side of the engagement member is attached to a second adjacent portion of the second channel member, and the engagement member includes an approximately horizontal top surface coupled to the rigid support member, wherein the engagement member and the *top surface are at least one of flush with and recessed below the lower surface of the floor panel*, wherein each of the first and second channel members has a "C"-shaped cross section. (emphasis added).

As described more fully above, McIntyre fails to disclose, teach, or fairly suggest the assembly recited in claim 17. Specifically, claim 17 recites an assembly having an engagement member centrally disposed between two channel members, the engagement member including an approximately horizontal top surface configured to be coupled to the payload assembly, and wherein the engagement member and the *top surface are at least one of flush with and recessed below the lower surface of the floor panel*. (emphasis added). As noted above, McIntyre teaches that the top surface 24 is flush with a top surface of the floor panels 32, rather than *flush with and recessed below the lower surface of the floor panel* as recited in claim 17. Accordingly, claim 17 is not anticipated or rendered obvious by McIntyre.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 4, 5, 10, 13, 16-17, and 22 as being anticipated by McIntyre.

III. Rejections under 35 USC §103(a)

The Examiner rejected claims 3 and 15 under 35 USC §103(a) as being unpatentable over McIntyre in view of Beroth (US 5178346). Applicants respectfully traverse.

Beroth (US 5178346)

Beroth teaches a track fastener for securing seats or cargo to a seat track within an aircraft. (5:11-14). As best shown in Beroth's Figure 2, the track fastener 10 engages a track 11 having a slot 12 that includes alternating enlarged openings 14 and relatively narrower segments 15. (7:3-10).

Beroth fails to remedy the above-noted deficiencies of McIntyre. More specifically, as shown in Figure 3, Beroth teaches that the top surface of the engagement member projects above an upper surface of the adjacent floor panels. There is no teaching or suggestion of the top surface being *at least one of flush with and recessed below the lower surface of the floor panel* as taught by Applicants, and as recited in Applicants' claims 1 and 13. Claims 3 and 15 depend from claims 1 and 13, respectively. Accordingly, claims 3 and 15 are patentable over the combined teachings of McIntyre and Beroth.

CONCLUSION

Applicants respectfully submit pending claims 1, 3-5, 10, 13, 15-17, and 22 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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